

Remarks/Arguments

35 U.S.C. §103

Claims 1-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fesler et al. (U.S. Patent No. 5,917,887), in view of Ganzer et al. (U.S. Patent No. 5,121,430), in view of Burke et al. (U.S. Patent No. 4,636,791), hereinafter referred to as Fesler, Ganzer, and Burke.

The independent claims have been amended to clarify their correspondence to Figure 3 and the associated description in the specification.

It is respectfully asserted that none of Fesler, Ganzer, or Burke, alone or in combination, disclose:

“enabling said audio output device associated with said television signal receiving apparatus responsive to said determination that said emergency alert function is activated and to said determination that said audio output device has been disabled via said interface means,”

as described in currently amended claim 1.

Among the problems addressed by the present invention is the inability to alert a user of an impending emergency event when a device containing an emergency alert function is misconfigured. For instance, a user may not receive emergency alerts if the audio output function associated with a set top box containing emergency alert functionality is disabled. To address this problem, the present invention discloses methods and an associated apparatus for tuning signals, including emergency alert signals capable of activating an emergency alert function, and enabling a disabled audio output device associated with the apparatus responsive to activation of said emergency alert function, where the audio output device had previously been disabled by a user through an interface. Thus, even if the user has disabled an audio alert device, the system may reenable it to provide the emergency alert.

In contrast, Fesler teaches “an emergency alert communication system comprising a radio frequency receiver. The radio frequency receiver decodes incoming emergency alert signals and demodulates data header signals and emergency alert voice message signals of the emergency alert signals. Included in the data header signals are event and location code signals, which are followed by the emergency alert voice message signals. The demodulated data header signals in the form of digital data header signals are applied to a microcontroller. A telephone keypad of a telephone device is actuated to enter into the microcontroller event and location code signals. Should the event and location code signals demodulated by the receiver and applied to the microcontroller match the event and location code signals entered into the microcontroller by the telephone keypad, the microcontroller routes through an audio switching circuit the emergency alert voice message signals to a speaker, a recording device and a telephone handset...” (Fesler Abstract)

As admitted in the Office Action, Fesler “fails to disclose the use of enabling a disabled apparatus.” (Office Action, page 3) Furthermore, Fesler fails to disclose a television signal receiving apparatus or determining whether an audio output device has been disabled. Thus, Fesler fails to disclose “enabling said audio output device associated with said television signal receiving apparatus responsive to said determination that said emergency alert function is activated and to said determination that said audio output device has been disabled via said interface means,” as described in currently amended claim 1.

Ganzer teaches “a geographically specific emergency alert system includes a code generator unit in which geographic areas to be alerted and types of severity of alerts are selected and code strings generated to represent the affected areas and alert types selected. The code strings are broadcast by modulating the audio carrier of a television signal and received on receiver units positioned in areas within the broadcast market of a television station providing the alerting service. Location codes or entered into the receiver units by the users according to the areas in which the receiver units are used. When an alert is broadcast, each receiver unit decodes a location code string in the signal. If it matches that set on the receiver, an alert code string is decoded to activate a alarm devices connected to

the receiver, such as an audible alarm generator, LED, etc., in accordance with the type or severity of alert that was broadcast.” (Ganzer Abstract)

As admitted in the Office Action, Ganzer also fails to disclose “interface means for disabling an audio output device associated with said apparatus.” (Office Action, page 3) Likewise, Ganzer also does not disclose means for making a determination that such interface means have been used to disable such an audio device, or for enabling such a device based in part on that determination. Therefore, Ganzer, like Fesler, fails to disclose “enabling said audio output device associated with said television signal receiving apparatus responsive to said determination that said emergency alert function is activated and to said determination that said audio output device has been disabled via said interface means,” as described in currently amended claim 1.

Burke teaches “a data signalling system for transmitting signals between at least one primary station and a plurality of secondary stations. The system is well adapted for use in multiple unit radio communications systems capable of noise and data communications. A register model is utilized which permits a highly flexible signalling system compatible with a wide range of communications networks. Data transfer is accomplished using fixed length data packets which are error correction encoded and transmitted utilizing PSK modulation.” (Burke Abstract)

In the passage cited by Examiner, Burke discloses that the “same emergency monitor data packet that is used to enable the transmitter of a mobile unit in the priority alert mode is used to disable all other mobile transmitters in the system equipped with the mobile unit control systems.” (Burke, column 18, lines 2-7) Thus, enablement of a transmitter, not an audio output device, is described. Furthermore, Burke fails to disclose means for making a determination that interface means have been used to disable such a device, or for enabling such a device based in part on that determination. Burke, also fails to disclose a television signal receiving apparatus. Therefore, Burke, like Fesler and Ganzer, fails to disclose “enabling said audio output device associated with said television signal receiving apparatus responsive to said determination that said emergency alert

function is activated and to said determination that said audio output device has been disabled via said interface means,” as described in currently amended claim 1.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Fesler, Ganzer, or Burke, alone or in combination, that makes the present invention as claimed in claim 1 unpatentable. It is further submitted that currently amended independent claims 10 and 19 are allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-9, 11-18, and 20-27 are dependent from allowable independent claims 1, 10, and 19, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6804, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to
Deposit Account 07-0832.

Respectfully submitted,

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